

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELCORDIA TECHNOLOGIES, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	C.A. No. 04-875-GMS
)	
LUCENT TECHNOLOGIES, INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	
_____)	
)	
TELCORDIA TECHNOLOGIES, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	C.A. No. 04-876-GMS
)	
CISCO SYSTEMS, INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	

**PLAINTIFF TELCORDIA TECHNOLOGIES, INC.'S MOTION TO
PRECLUDE DEFENDANTS FROM PRESENTING EXPERT OPINIONS
ON INVALIDITY AND UNENFORCEABILITY BY AN ADDITIONAL
EXPERT WHO NEVER PREPARED OR SUBMITTED AN OPENING
EXPERT REPORT ON INVALIDITY AND UNENFORCEABILITY**

Plaintiff, Telcordia Technologies, Inc. ("Telcordia"), hereby respectfully moves that the Court limit Defendants to offering expert opinions of Dr. Vincent Jones on validity and enforceability of the '633 patent, and that the Court preclude Defendants from offering expert opinions of Dr. Anthony Acampora on those same subjects. Telcordia also respectfully requests that the Court compel Defendants to produce Dr. Jones for two days of deposition.

The grounds for this motion are fully set forth in Telcordia's accompanying opening brief.

ASHBY & GEDDES

/s/ Steven J. Balick

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Dated: August 11, 2006

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TELCORDIA TECHNOLOGIES, INC.,)	
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Plaintiff/Counterclaim Defendant,)	
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LUCENT TECHNOLOGIES, INC.,)	
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Defendant/Counterclaim Plaintiff.)	
_____)	
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TELCORDIA TECHNOLOGIES, INC.,)	
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Plaintiff/Counterclaim Defendant,)	
)	
v.)	C.A. No. 04-876-GMS
)	
CISCO SYSTEMS, INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	

ORDER

WHEREAS, Plaintiff has moved the Court for an Order precluding Defendants from presenting expert opinions of Dr. Anthony Acampora on '633 patent validity and enforceability;

WHEREAS, only Dr. Vincent Jones, not Dr. Acampora, served an opening expert report in accordance with the Revised Scheduling Order and Fed. R. Civ. P. 26(a) on the subjects of patent validity and enforceability;

WHEREAS, in accordance with the Revised Scheduling Order, Plaintiff timely served an answering expert report in response to the Defendants' opening expert report;

WHEREAS, the untimely substitution of Dr. Acampora for Dr. Jones is not addressed in the Court's Revised Scheduling Order or in the Federal Rules of Civil Procedure and would prejudice Plaintiff;

WHEREAS, Defendants did not timely seek leave of Court to substitute Dr. Acampora for Dr. Jones;

WHEREAS, Defendants have an expert, Dr. Jones, to offer expert opinions on '633 patent validity and enforceability;

WHEREAS, Plaintiff has also moved the Court for an Order compelling Defendants to produce Dr. Jones for two days of deposition;

WHEREAS, Dr. Jones has served an expert report in each of the two captioned cases and has been timely and properly noticed for two separate depositions; and

WHEREAS, all other technical expert witnesses have been made available for two days of deposition; now therefore,

IT IS HEREBY ORDERED this _____ day of _____ 2006, that:

1. Defendants are precluded from having Dr. Anthony Acampora present opinions as their expert on '633 patent validity and enforceability;
2. Only Dr. Vincent Jones, and not Dr. Acampora, will be permitted to offer expert opinions on '633 patent validity and enforceability on behalf of Defendants; and
3. Defendants will produce Dr. Jones for two days of deposition testimony.

UNITED STATES DISTRICT JUDGE

CERTIFICATION PURSUANT TO LOCAL RULE 7.1.1

I hereby certify that counsel for the parties have communicated regarding the subject matter of the attached motion, but that no agreement could be reached.

/s/ Steven J. Balick

Steven J. Balick

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2006, the attached **PLAINTIFF
TELCORDIA TECHNOLOGIES, INC.'S MOTION TO PRECLUDE DEFENDANTS
FROM PRESENTING EXPERT OPINIONS ON INVALIDITY AND
UNENFORCEABILITY BY AN ADDITIONAL EXPERT WHO NEVER PREPARED OR
SUBMITTED AN OPENING EXPERT REPORT ON INVALIDITY AND
UNENFORCEABILITY** was served upon the below-named counsel of record at the address
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